
SENATE BILL No. 596

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7; IC 3-10-1; IC 3-11; IC 3-11.5-4-16; IC 3-11.7-2-1.

Synopsis: Voting rights of felons; voter identification. Provides that a person convicted of a felony after June 30, 2005, is not eligible to register or vote until the person is no longer incarcerated, on parole, or under court supervision. Requires the county department, office, or agency supervising or responsible for the placement of a person convicted of a felony to notify the county voter registration office of the person's conviction and placement. Requires a voter, before voting at the polls, to show identification that contains the voter's photograph unless the voter executes an affidavit indicating the voter: (1) is indigent and unable to obtain a picture identification; or (2) has a religious objection to being photographed. Allows a voter who is otherwise unable or refuses to provide a picture identification to vote by provisional ballot. Repeals a superseded statute concerning procedures for admittance of a voter to the polls.

Effective: July 1, 2005.

Hershman

January 20, 2005, read first time and referred to Committee on Elections and Civic Affairs.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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SENATE BILL No. 596

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-7-13-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) **Except as provided in**
3 **section 6.1 of this chapter**, a person described in section 4 of this
4 chapter who is otherwise qualified to register under this article is
5 eligible to register when the person is no longer:
6 (1) imprisoned; or
7 (2) otherwise subject to lawful detention.
8 (b) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration of
9 the right to vote under this section and except as provided in
10 subsections (c), (d), and (g), a person who has been convicted of a
11 crime of domestic violence (as defined in IC 35-41-1-6.3) may not
12 possess a firearm upon the person's release from imprisonment or
13 lawful detention.
14 (c) Not earlier than five (5) years after the date of conviction, a
15 person who has been convicted of a crime of domestic violence (as
16 defined in IC 35-41-1-6.3) may petition the court for restoration of the
17 person's right to possess a firearm. In determining whether to restore

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the person's right to possess a firearm, the court shall consider the following factors:

- (1) Whether the person has been subject to:
 - (A) a protective order;
 - (B) a no contact order;
 - (C) a workplace violence restraining order; or
 - (D) any other court order that prohibits the person from possessing a firearm.
- (2) Whether the person has successfully completed a substance abuse program, if applicable.
- (3) Whether the person has successfully completed a parenting class, if applicable.
- (4) Whether the person still presents a threat to the victim of the crime.
- (5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to complete a specified condition under subsection (d) or whether the person has committed a subsequent offense.

(d) The court may condition the restoration of a person's right to possess a firearm upon the person's completion of specified conditions.

(e) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until one (1) year has elapsed.

(f) A person has not been convicted of a crime of domestic violence for purposes of subsection (c) if the conviction has been expunged or if the person has been pardoned.

(g) The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on postconviction review at the earlier of the following:

- (1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.
- (2) Ninety (90) days after the final disposition of the appeal or the postconviction proceeding.

SECTION 2. IC 3-7-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) This section applies to a person who is:

- (1) otherwise qualified to register under this article; and
- (2) not imprisoned or subject to lawful detention.

(b) **Except as provided in section 6.1 of this chapter**, a person described in subsection (a) who is:

- (1) on probation;
- (2) on parole;

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1 (3) subject to home detention under IC 35-38-2.5; or
 2 (4) placed in a community corrections program under
 3 IC 35-38-2.6;
 4 is eligible to register and to vote.

5 SECTION 3. IC 3-7-13-6.1 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2005]: **Sec. 6.1. (a) A person who is convicted of a felony after**
 8 **June 30, 2005, who is otherwise qualified to register under this**
 9 **article and who is:**

10 (1) imprisoned;
 11 (2) otherwise subject to lawful detention;
 12 (3) on probation;
 13 (4) on parole;
 14 (5) subject to home detention under IC 35-38-2.5; or
 15 (6) placed in a community corrections program under
 16 IC 35-38-2.6;
 17 is not eligible to register or to vote.

18 (b) A person who is convicted of a felony after June 30, 2005,
 19 who is otherwise qualified to register under this article and who is
 20 no longer:

21 (1) imprisoned;
 22 (2) otherwise subject to lawful detention;
 23 (3) on probation;
 24 (4) on parole;
 25 (5) subject to home detention under IC 35-38-2.5; or
 26 (6) placed in a community corrections program under
 27 IC 35-38-2.6;
 28 is eligible to register and to vote.

29 SECTION 4. IC 3-7-41-2 IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2005]: Sec. 2. The statement described in
 31 section 1 of this chapter may be filed with the county voter registration
 32 office at any time. A voter who wishes to indicate that the voter's name
 33 has changed may also write the necessary information concerning the
 34 name change on the poll list under IC 3-11-8-25 **or IC 3-11-8-25.1**
 35 before the person receives a ballot. The person may then vote if
 36 otherwise qualified.

37 SECTION 5. IC 3-7-46-2 IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A person imprisoned
 39 following conviction of a crime is disfranchised during the person's
 40 imprisonment.

41 (b) A person who is convicted of a felony after June 30, 2005, is
 42 disfranchised during the period that the person is:

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- (1) imprisoned;
- (2) otherwise subject to lawful detention;
- (3) on probation;
- (4) on parole;
- (5) subject to home detention under IC 35-38-2.5; or
- (6) placed in a community corrections program under IC 35-38-2.6.

SECTION 6. IC 3-7-46-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.2. (a) This section applies to each department, office, or agency that supervises or is responsible for persons convicted of a felony who are placed:

- (1) in lawful detention other than:
 - (A) a department of correction facility; or
 - (B) a county correctional facility;
- (2) on probation;
- (3) on parole;
- (4) on home detention under IC 35-38-2.5; or
- (5) in a community corrections program under IC 35-38-2.6.

(b) This section does not apply to a county sheriff who submits a report under section 6 of this chapter concerning persons placed in a county correctional facility.

(c) Not later than:

- (1) January 31;
- (2) April 30;
- (3) July 31; and
- (4) October 31;

of each year, the departments, offices, or agencies described in subsection (a) shall provide the county voter registration office with a report containing the information set forth in subsection (d) and section 8 of this chapter for those persons for whom the department, office, or agency supervises or is responsible.

(d) The report required by subsection (c) must identify each person the department, office, or agency supervises or is responsible for who:

- (1) is a resident of Indiana;
- (2) has been convicted of a felony in the county; and
- (3) has been placed:
 - (A) in lawful detention other than:
 - (i) a department of correction facility; or
 - (ii) a county correctional facility;
 - (B) on probation;

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- 1 (C) on parole;
 2 (D) on home detention under IC 35-38-2.5; or
 3 (E) in a community corrections program under
 4 IC 35-38-2.6;

5 during the previous calendar quarter.

6 SECTION 7. IC 3-7-46-7 IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2005]: Sec. 7. The county voter registration
 8 office shall notify the county voter registration office of each county
 9 where a person on the list resides that a voter registered in that county
 10 has been listed on the report described in section 6 or 6.2 of this
 11 chapter.

12 SECTION 8. IC 3-7-46-7.5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. If the information
 14 provided under section 5, or 6, or 6.2 of this chapter indicates that the
 15 person is disfranchised under section 2 of this chapter, the county voter
 16 registration office shall:

- 17 (1) remove the name of the person from the voter registration
 18 records; and
 19 (2) after January 1, 2006, enter the date and other information
 20 regarding the cancellation into the computerized list under
 21 IC 3-7-26.3;

22 on an expedited basis, as required under 42 U.S.C. 15483.

23 SECTION 9. IC 3-10-1-24 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. (a) A voter who
 25 desires to vote at a primary election must do both of the following:

- 26 (1) Give the voter's name and political party to the poll clerks of
 27 the precinct on primary election day.
 28 (2) In accordance with section 24.3 of this chapter, provide to
 29 the poll clerks either:

- 30 (A) a current and valid identification of the voter that
 31 contains a photograph of the voter; or
 32 (B) an executed affidavit stating the reason the voter is
 33 unable to provide the identification described in clause (A).

34 (b) The poll clerks shall require the voter to write the following on
 35 the poll list:

- 36 (1) The voter's name.
 37 (2) Except as provided in subsection ~~(d)~~, (e), the voter's current
 38 residence address.
 39 (3) The name of the voter's party.

40 ~~(b)~~ (c) The poll clerks shall:

- 41 (1) ask the voter to provide or update the voter's voter
 42 identification number;

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(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

~~(c)~~ **(d)** If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

~~(d)~~ **(e)** After December 31, 2005, each line on a poll list sheet provided to take a voter's current residence address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 10. IC 3-10-1-24.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 24.3. (a) Except as provided in subsection (b), before voting in a primary election, a voter must produce and show to the poll clerks a current and valid identification of the voter that:**

(1) is issued by:

(A) the federal government;

(B) the state; or

(C) a political subdivision of the state; and

(2) contains a photograph of the voter.

(b) A voter is not required to produce the identification described in subsection (a) if the voter executes an affidavit, in the form prescribed by the commission, affirming under the penalties for perjury that one (1) of the following applies to the voter:

(1) The voter is:

(A) indigent; and

(B) unable to obtain identification containing the voter's photograph without the payment of a fee.

(2) The voter has a religious objection to being photographed.

(c) A voter who is unable or declines to provide either:

(1) the identification described in subsection (a); or

(2) the affidavit described in subsection (b);

may vote under IC 3-11.7 using a provisional ballot after the poll clerk, assistant poll clerk, or precinct election board member executes a challenge affidavit in accordance with IC 3-11.7.

SECTION 11. IC 3-10-1-24.5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24.5. (a) This section does not apply to a precinct in a county with a computerized registration system whose inspector was:

- (1) furnished with a list certified under IC 3-7-29; and
- (2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

(b) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under section 7 of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote.

(c) If either poll clerk doubts the voter's identity following:

- (1) the comparison of the signatures under subsection (b); or**
- (2) an inspection of the identification produced by the voter under section 24(a)(2) of this chapter;**

the poll clerk shall challenge the voter in the manner prescribed by IC 3-11-8. If the poll clerk does not execute a challenger's affidavit under ~~IC 3-11-8-21~~ **IC 3-11-8-20** or if ~~the voter executes a challenged voter's affidavit under IC 3-11-8-22~~ **is satisfied**, the voter may then vote.

(d) This section expires January 1, 2006.

SECTION 12. IC 3-10-1-24.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24.6. (a) This section applies after December 31, 2005.

(b) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under section 7 of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote.

(c) If either poll clerk doubts the voter's identity following:

- (1) the comparison of the signatures under subsection (b); or**
- (2) an inspection of the identification produced by the voter under section 24(a)(2) of this chapter;**

the poll clerk shall challenge the voter in the manner prescribed by IC 3-11-8. If the poll clerk does not execute a challenger's affidavit under ~~IC 3-11-8-21~~ **IC 3-11-8-20** or if ~~the voter executes a challenged voter's affidavit under IC 3-11-8-22~~ **is satisfied**, the voter may then vote.

SECTION 13. IC 3-11-8-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. Voters shall approach and enter the chute in the order in which they appear for the

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purpose of voting. A voter shall immediately announce the voter's full and true name to the challengers. **A challenger may challenge a voter under section 20 of this chapter.**

SECTION 14. IC 3-11-8-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. If a voter offering to vote is challenged ~~by a challenger or by a member of the precinct election board;~~ **under this chapter,** the person challenging the voter shall reduce the challenge to affidavit form, setting forth succinctly the reasons for the challenge.

SECTION 15. IC 3-11-8-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) A voter challenged under section 20 of this chapter may vote if **all the following are satisfied:**

(1) The voter makes an affidavit in writing under section 23 of this chapter. ~~and~~

(2) Either of the following applies:

~~(1)~~ (A) The voter's name appears on the registration list.

~~(2)~~ (B) The voter does one (1) of the following:

~~(A)~~ (i) Produces a certificate of error issued by a registration official of the county in accordance with IC 3-7-48 showing that the voter is registered in the precinct where the voter resides and offers to vote.

~~(B)~~ (ii) Produces an affidavit executed under IC 3-10-10 or IC 3-10-11 if the voter executed an affidavit under those provisions.

~~(C)~~ (iii) Makes an oral or a written affirmation under IC 3-10-12.

(3) **A majority of the precinct election board determines that the voter is the individual who appears on the identification produced under section 25 or 25.1 of this chapter.**

(b) ~~After December 31, 2003,~~ A voter challenged under section 20 of this chapter:

(1) whose name does not appear on the registration list; and

(2) who is not permitted to cast a vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12;

is entitled to cast a provisional ballot under IC 3-11.7 if the voter makes an affidavit in writing that the voter is a legal voter of the precinct **and a majority of the precinct election board determines that the voter is the individual who appears on the identification produced under section 25 or 25.1 of this chapter.**

SECTION 16. IC 3-11-8-25 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall **do both of the following**:

(1) Announce the voter's name to the poll clerks or assistant poll clerks.

(2) **In accordance with subsections (b) and (c), provide to the poll clerks either:**

(A) a current and valid identification of the voter that contains a photograph of the voter; or

(B) an executed affidavit stating the reason the voter is unable to provide the identification described in clause (A).

(b) Except as provided in subsection (c), before voting, a voter must produce and show to the poll clerks a current and valid identification of the voter that:

(1) is issued by:

(A) the federal government;

(B) the state; or

(C) a political subdivision of the state; and

(2) contains a photograph of the voter.

(c) A voter is not required to produce the identification described in subsection (b) if the voter executes an affidavit, in the form prescribed by the commission, affirming under the penalties for perjury that one (1) of the following applies to the voter:

(1) The voter is:

(A) indigent; and

(B) unable to obtain identification containing the voter's photograph without the payment of a fee.

(2) The voter has a religious objection to being photographed.

(d) A voter who is unable or declines to provide either:

(1) the identification described in subsection (b); or

(2) the affidavit described in subsection (c);

may vote under IC 3-11.7 using a provisional ballot after the poll clerk, assistant poll clerk, or precinct election board member executes a challenge affidavit in accordance with IC 3-11.7.

(e) A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

~~(b)~~ (f) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

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(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

~~(c) This subsection applies after December 31, 2003.~~ (g) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, **in addition to the identification required by subsection (a)(2)**, a piece of identification described in subsection ~~(d)~~ **(h)** to the poll clerk.

~~(d) This subsection applies after December 31, 2003.~~ (h) As required by 42 U.S.C. 15483, **and in addition to the identification required by subsection (a)(2)**, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) a current and valid photo identification; or

(2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

~~(e) This subsection applies after December 31, 2003.~~ (i) If a voter presents a document under subsection ~~(d)~~ **(h)**, the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

~~(f) This subsection applies after December 31, 2003.~~ (j) If a voter required to present documentation under subsection ~~(d)~~ **(h)** is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(g) This subsection applies after December 31, 2003. (k) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

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~~(h)~~ **(l)** This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

- (1) furnished with a list certified under IC 3-7-29; and
- (2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures **under this subsection or an inspection of the identification produced by the voter under subsection (a)(2)**, the poll clerk shall challenge the voter in the manner prescribed by section ~~21~~ **20** of this chapter. **A poll clerk may not challenge a voter under this subsection if the voter was challenged by a challenger under this chapter, and section 22 of this chapter has been satisfied. However, a poll clerk who doubts the identity of the voter may make a notation in the poll book that the poll clerk doubts the identity of the voter.**

~~(i)~~ **(m)** If, in a precinct governed by subsection ~~(h)~~ **(l)**:

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) ~~the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;~~ **has been satisfied;**

the voter may then vote.

~~(j)~~ **(n)** This section expires January 1, 2006.

SECTION 17. IC 3-11-8-25.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.1. (a) This section applies after December 31, 2005.

(b) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall **do both of the following**:

- (1) Announce the voter's name to the poll clerks or assistant poll clerks.
- (2) **In accordance with subsections (c) and (d), provide to the poll clerks either:**
 - (A) **a current and valid identification of the voter that contains a photograph of the voter; or**
 - (B) **an executed affidavit stating the reason the voter is unable to provide the identification described in clause (A).**
- (c) **Except as provided in subsection (d), before voting, a voter**

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1 must produce and show to the poll clerks a current and valid
2 identification of the voter that:

3 (1) is issued by:

4 (A) the federal government;

5 (B) the state; or

6 (C) a political subdivision of the state; and

7 (2) contains a photograph of the voter.

8 (d) A voter is not required to produce the identification
9 described in subsection (c) if the voter executes an affidavit, in the
10 form prescribed by the commission, affirming under the penalties
11 for perjury that one (1) of the following applies to the voter:

12 (1) The voter is:

13 (A) indigent; and

14 (B) unable to obtain identification containing the voter's
15 photograph without the payment of a fee.

16 (2) The voter has a religious objection to being photographed.

17 (e) A voter who is unable or declines to provide either:

18 (1) the identification described in subsection (c); or

19 (2) the affidavit described in subsection (d);

20 may vote under IC 3-11.7 using a provisional ballot after the poll
21 clerk, assistant poll clerk, or precinct election board member
22 executes a challenge affidavit in accordance with IC 3-11.7.

23 (f) A poll clerk, an assistant poll clerk, or a member of the precinct
24 election board shall require the voter to write the following on the poll
25 list:

26 (1) The voter's name.

27 (2) Except as provided in subsection ~~(f)~~ (k), the voter's current
28 residence address.

29 ~~(e)~~ (g) The poll clerk, an assistant poll clerk, or a member of the
30 precinct election board shall:

31 (1) ask the voter to provide or update the voter's voter
32 identification number;

33 (2) tell the voter the number the voter may use as a voter
34 identification number; and

35 (3) explain to the voter that the voter is not required to provide or
36 update a voter identification number at the polls.

37 ~~(d)~~ (h) In case of doubt concerning a voter's identity, the precinct
38 election board shall compare the voter's signature with the signature on
39 the affidavit of registration or any certified copy of the signature
40 provided under IC 3-7-29. If the board determines that the voter's
41 signature is authentic, the voter may then vote.

42 (i) If either poll clerk doubts the voter's identity following

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comparison of the signatures **under this subsection or an inspection of the identification produced by the voter under subsection (b)(2),** the poll clerk shall challenge the voter in the manner prescribed by ~~section 21~~ **section 20** of this chapter. **A poll clerk may not challenge a voter under this subsection if:**

(1) the voter was challenged by a challenger under this chapter; and

(2) section 22 of this chapter has been satisfied.

However, a poll clerk who doubts the identity of the voter may make a notation in the poll book that the poll clerk doubts the identity of the voter.

~~(e) (j) If, in a precinct governed by subsection (c):~~

(1) the poll clerk does not execute a challenger's affidavit; or

(2) ~~the voter executes a challenged voter's affidavit under section 22 of this chapter or executed the affidavit before signing the poll list;~~ **has been satisfied;**

the voter may then vote.

~~(f) (k)~~ Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 18. IC 3-11-8-25.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.2. (a) This section applies after December 31, 2005.

(b) The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present, **in addition to the identification required by section 25.1(b)(2) of this chapter,** a piece of identification described in subsection (c) to the poll clerk.

(c) As required by 42 U.S.C. 15483 **and in addition to the identification required by section 25.1(b)(2) of this chapter,** a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:

(1) A current and valid photo identification.

(2) A current utility bill, bank statement, government check,

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paycheck, or government document that shows the name and address of the voter.

(d) If a voter presents a document under subsection (c), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(e) If a voter required to present documentation under subsection (c) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(f) The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

SECTION 19. IC 3-11-8-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25.5. If an individual signs the individual's name and either:

(1) signs the individual's address; or

(2) after December 31, 2005, checks the "Address Unchanged" box;

on the poll list under section 25 **or 25.1** of this chapter and then leaves the polls without casting a ballot or after casting a provisional ballot, the voter may not be permitted to reenter the polls to cast a ballot at the election.

SECTION 20. IC 3-11-8-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. **(a)** If a member of a precinct election board is not satisfied that a person who offers to vote is the person who the person represents the person to be, the member may challenge the person ~~and the~~ **under section 20 of this chapter.**

(b) A member of the precinct election board may not challenge a voter under subsection (a) if:

(1) the voter was challenged by a challenger or a poll clerk under this chapter; and

(2) section 22 of this chapter has been satisfied.

However, a member of the precinct election board who doubts the identity of the voter may make a notation in the poll book that the member doubts the identity of the voter.

(c) A person challenged under this section may vote only if the person signs the affidavit required to be signed by voters who are challenged under section 20 ~~section 22~~ of this chapter is satisfied.

SECTION 21. IC 3-11-8-27.5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27.5. ~~(a) This section~~
 2 ~~applies after December 31, 2003.~~

3 ~~(b)~~ In accordance with 42 U.S.C. 15482, a voter challenged under
 4 section 27 of this chapter is entitled to cast a provisional ballot under
 5 IC 3-11.7 after executing the affidavit under section 23 of this chapter.

6 SECTION 22. IC 3-11-8-29 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. A precinct election
 8 board may not keep a poll list other than the poll list required by
 9 section 25 **or 25.1** of this chapter.

10 SECTION 23. IC 3-11-10-22 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. If an absentee ballot
 12 is challenged under section 21 of this chapter, the absentee voter's
 13 application for an absentee ballot shall be considered as the affidavit
 14 required to be made by a voter when challenged at the polls while
 15 voting in person. ~~In all other respects~~ The challenge procedure is the
 16 same as though the ballot was cast by the voter in person. If a proper
 17 affidavit is made that would entitle the absentee voter to vote if the
 18 absentee voter had personally appeared, then the absentee ballot shall
 19 be placed in the ballot box. **However, an identification of the voter**
 20 **containing a photograph of the voter is not required to be**
 21 **produced.**

22 SECTION 24. IC 3-11.5-4-16 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) If an absentee
 24 ballot is challenged under section 15 of this chapter, the absentee
 25 voter's application for an absentee ballot shall be considered as the
 26 affidavit required to be made by a voter when challenged at the polls
 27 while voting in person. ~~In all other respects~~, The challenge procedure
 28 is the same as though the ballot was cast by the voter in person.
 29 **However, an identification of the voter containing a photograph of**
 30 **the voter is not required to be produced.**

31 (b) If a proper affidavit by a qualified person in the form required by
 32 IC 3-11-8-22 is made that would entitle the absentee voter to vote if the
 33 absentee voter had personally appeared, the couriers shall return the
 34 affidavit to the county election board in the same envelope as the
 35 certificate returned under section 9 of this chapter.

36 (c) The absentee ballot cast by the challenged voter shall be counted
 37 if the county election board makes the findings required under section
 38 11 of this chapter.

39 SECTION 25. IC 3-11.7-2-1 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) As provided by
 41 42 U.S.C. 15482, this section applies to the following individuals:

42 (1) An individual:

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- 1 (A) whose name does not appear on the registration list; and
 2 (B) who is not permitted to vote under IC 3-7-48-1,
 3 IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or
 4 IC 3-10-12.
 5 (2) An individual described by IC 3-10-1-10.5 ~~IC 3-11-8-23.5~~, or
 6 IC 3-11-8-27.5 who is challenged as not eligible to vote.
 7 (3) An individual who seeks to vote in an election as a result of a
 8 court order (or any other order) extending the time established for
 9 closing the polls under IC 3-11-8-8.
 10 (b) ~~This subsection applies after December 31, 2003.~~ As required
 11 by 42 U.S.C. 15483, a voter who has registered to vote but has not:
 12 (1) presented identification required under 42 U.S.C. 15483 to the
 13 poll clerk before voting in person under IC 3-11-8-25 **or**
 14 **IC 3-11-8-25.1**; or
 15 (2) filed a copy of the identification required under 42 U.S.C.
 16 15483 to the county voter registration office before the voter's
 17 absentee ballot is cast;
 18 is entitled to vote a provisional ballot under this article.
 19 (c) A precinct election officer shall inform an individual described
 20 by subsection (a)(1) or (a)(2) that the individual may cast a provisional
 21 ballot if the individual:
 22 (1) is eligible to vote under IC 3-7-13-1;
 23 (2) submitted a voter registration application during the
 24 registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if
 25 the voter registered under that section); ~~and~~
 26 (3) executes an affidavit described in IC 3-10-1-9 or
 27 IC 3-11-8-23; **and**
 28 **(4) is found to be by a majority of the precinct election board**
 29 **the individual who appears on the identification produced**
 30 **under IC 3-11-8-25 or IC 3-11-8-25.1.**
 31 (d) A precinct election officer shall inform an individual described
 32 by subsection (a)(3) that the individual may cast a provisional ballot.
 33 SECTION 26. IC 3-11-8-23.5 IS REPEALED [EFFECTIVE JULY
 34 1, 2005].

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